

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OFz CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
MICHELLE ADAMCZYK, LPN	:	
License # 26NP 05389000	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Michelle Adamczyk ("Respondent") is a Licensed Practical Nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about May 22, 2015, a letter of inquiry was sent to Respondent at her address of record, seeking information and

documentation relating to an arrest on May 13, 2015 on charges of possession of a controlled dangerous substance and of drug paraphernalia. In addition, employment-related information was requested, as well as documentation of completion of required nursing continuing education.

3. A response was received from a person identifying himself as Respondent's father, indicating that Respondent was in a recovery facility in Marlboro, New Jersey, and that until Respondent completed her participation in the recovery program, a complete response to the Board's letter of inquiry could not be provided. A copy of the complaint/summons was included with this response. The complaint indicated that the controlled substance at issue in connection with Respondent's arrest was cocaine.

4. On June 18, 2015, an employee of the Division of Consumer Affairs spoke with Respondent, who stated that she had recently been released from a rehabilitation facility, and that she would be forwarding certain documents and information to the Board that had been requested in the May 25, 2015 letter of inquiry. However, Respondent has not yet provided to the Board this documentation and information, specifically, employment-related information, documentation of the status and/or disposition of the criminal case, and documentation of completion of required continuing education.

5. On her 2014 renewal application, Respondent indicated that she would have completed all required nursing continuing education for the June 1, 2012 - May 31, 2014 licensing cycle by May 31, 2014.

CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's letter of inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 123:45C-1.2 and 1.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's failure to document completion of required nursing continuing education for the June 1, 2012 - May 31, 2014 licensing cycle is deemed to constitute a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on her 2014 renewal application that she would complete all required nursing continuing education for the June 1, 2012 - May 31, 2014 licensing cycle by May 31, 2014 is deemed to constitute engaging in misrepresentation in violation of N.J.S.A. 45:1-21(b).

Respondent's arrest on charges of cocaine possession and her apparently court-imposed participation in a recovery program warrants, pursuant to N.J.S.A. 45:1-22(f), the Board requiring Respondent to undergo evaluation and monitoring to ascertain

whether her continued practice of nursing may jeopardize the safety and welfare of the public.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, seven hundred and fifty dollar (\$750) civil penalty, and a comprehensive mental health and substance abuse evaluation was entered on August 21, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing dispositions indicating that the criminal charges were dismissed. Despite previously acknowledging that she had completed a rehabilitation program, Respondent now maintained that she was unaware that there was anything illegal in her car when she was arrested, that the CDS belonged to another person in her car, and that she will no longer allow anyone to drive

her vehicle. In light of Respondent's previous acknowledgement that she had been in a rehabilitation facility, which information was also provided on her behalf by her father, the Board is not persuaded by Respondent's latest claim that she did not know that there was any CDS in her car and that the cocaine was not hers. It is the position of the Board that a comprehensive mental health and substance abuse evaluation with the Board's designated intervention program, the Recovery and Monitoring Program, is warranted.

Regarding continuing education, Respondent acknowledged that she could not obtain documentation of continuing education completed within the requested time period, but provided the following proof of completion:

0 hours within the June 1, 2012 - May 31, 2014 biennial period;
36 hours within the June 1, 2014 - May 31, 2016 biennial period.
Respondent may apply 30 of the 36 hours recently completed to cure the deficiency of the previous biennial period, but those same hours may not also be used to satisfy the requirements of the current biennial period.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions

of law. Inasmuch as Respondent provided the information originally requested and cured the deficiency in her continuing education, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty. Additionally, Respondent's failure to timely complete the required continued education warrants a two hundred and fifty (\$250) civil penalty and her corresponding answer on her renewal application warrants a reprimand.

Moreover, the Board has received information indicating that Respondent was arrested on October 19, 2015, by members of the Eatontown Police Department and charged with violating N.J.S.A. 2C:17-3A(1) (Criminal Mischief with Damage). The Board has begun a new investigation regarding this arrest. Respondent's recent criminal involvement lends credence and support to the Board's determination that a comprehensive mental health and substance abuse evaluation is warranted.

ACCORDINGLY, IT IS on this 8th day of February, 2016,
ORDERED that:

1. A reprimand is hereby imposed upon Respondent for the violation of N.J.S.A. 45:1-21(b).

2. A civil penalty in the amount of five hundred dollars (\$500) is hereby imposed for Respondent's failure to fully respond to the Board's inquiry, as well as a civil penalty in the amount of two hundred and fifty dollars (\$250) for Respondent's failure to timely complete nursing continuing education in violation of N.J.A.C. 13:37-5.3, for a total penalty amount of seven hundred and fifty dollars (\$750). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Continuing education completed after May 31, 2014 and applied to cure the deficiency of the previous biennial period shall not also be used to satisfy the requirements of the current biennial period. Respondent shall complete 24

additional hours of continuing education prior to May 31, 2016 to satisfy the requirements of the current biennial period.

4. Respondent shall undergo a comprehensive mental health and substance abuse evaluation, including monitoring, under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program ("RAMP") and shall gain RAMP's support for continued active licensure. Respondent shall enroll in RAMP, for purposes of obtaining a comprehensive mental health and substance abuse evaluation, within thirty days of filing of this Final Order of Discipline. Respondent shall contact RAMP at 609-883-5335.¹

5. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

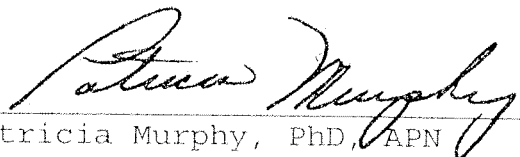
6. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

7. The Board reserves the right to investigate and initiate disciplinary proceedings related to the October 2015

¹Due to a clerical drafting error, paragraphs 4, 5, and 6 were omitted in the POD. As the POD's Conclusion of Law section included language about the necessity of a RAMP evaluation, and the requirement of a RAMP evaluation was discussed in a letter dated October 2, 2015, Respondent received notice that the Board was seeking a RAMP evaluation.

arrest and any new information received by the Board.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Murphy, PhD, APN
Board President